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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,827	11/24/2003	Jacob De Baan	BLUE.65488	5351
27629	7590	11/01/2005	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP 200 OCEANGATE, SUITE 1550 LONG BEACH, CA 90802			SINGH, SUNIL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,827

Applicant(s)

JACOB DE BAAN

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9, "the columns" lack clear antecedent basis.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burbage et al. (US 6390733) in view of Argy (US 4417603).

Burbage et al. discloses **it is well known and old** for an apparatus to transfer fluid from a first vessel (12) to a second vessel (40) in an off-shore environment (see col. 1 lines 1-30, col. 2 lines 20 thru col. 3 line 5), comprising a partly submerged floating dock (14), variable buoyancy means (see col. 1 lines 1-30, col. 2 lines 20 thru col. 3 line 5) operable to alter the draught of the dock to enable engagement of the dock with the second vessel, a single point mooring system (26) attached to the dock, at least one

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rigid pipeline (16) attached between the first vessel and the dock via flexible connection means ((24, see col. 2 line 30+), and means (42,46) for transferring fluid from the dock to the second vessel. Anchor lines (22). Burbage et al. discloses the invention is well known and old in the art except for the pipeline being for cryogenic fluids. Argy teaches cryogenic fluid pipelines are well known and old in the art for transferring cryogenic fluids (see col. 1 lines 5-10). It would have been considered obvious to one of ordinary skill in the art to modify Burbage et al. to use cryogenic pipelines as taught by Argy in order to transfer liquefied natural gas and the like.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burbage et al. in view of Argy as applied to claim 1 above, and further in view of Reid, Jr. (US 3969781).

Burbage (once modified) discloses the invention substantially as claimed. However, the (once modified) Burbage lacks two or more rigid pipelines and means to enable the return of fluid received at the dock from one pipeline to a second pipeline. Reid, Jr. teaches two or more rigid pipelines (see Fig. 10) and means (see Fig. 11) to enable the return of fluid received at the dock from one pipeline to a second pipeline. It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Burbage to include two or more rigid pipelines and means to enable the return of fluid received at the dock from one pipeline to a second pipeline as taught by Reid, Jr. in order to increase the amount of hydrocarbon being delivered to the tanker or to return the hydrocarbon to the production barge for processing.

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5. Claims 4, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burbage et al. in view of Argy as applied to claim 1 above, and further in view of Chaney (US 3664286)

Burbage (once modified) discloses the invention substantially as claimed. However, the (once modified) Burbage is silent about the dock including columns and ballasting means in either the columns or the floor structure of the dock. Further, the (once modified) Burbage is silent about including position control system and thrust production devices. Chaney teaches a dock including columns (21) and ballasting means (22,40) in either the columns or the floor structure of the dock. Further, Chaney teaches position control system and thrust production devices (26,32). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Burbage to include the ballasting means and the positioning means as taught by Chaney since this allows for the dock to compensate for wind and wave forces and the changes in weight distribution during loading and offloading of the hydrocarbon.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burbage et al. in view of Argy as applied to claim 1 above, and further in view of Perera et al. (US 2003/0224674)).

Burbage (once modified) discloses the invention substantially as claimed.

However, the (once modified) Burbage lacks a turret positioned rearward of the leading edge. Perera et al. teaches a turret (5) rearward of the leading edge. It would have been considered obvious to one of ordinary skill in the art to further modify the (once

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modified) Burbage by positioning the turret rearward of the leading edge as taught by Perera et al. since this is a mere design choice.

Response to Arguments

7. Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive. Applicant argues that member (12) of Burbage cannot be considered as the "first vessel". The examiner fails to see what structure is recited in the claim that precludes such interpretation. Applicant argues that barge (14) does not engage the second vessel (40). The examiner disagrees. Examiner would like to direct applicant's attention to col. 1 lines 20-25 wherein it is taught that the buoyancy of member (14) is controlled during unloading and during onloading member (14) engages with second vessel (40) by means of (42,49) (see col. 2 line 50+).

Applicant argues that Reid, Jr. does not teach using two or more rigid pipelines between a dock and first vessel. The examiner disagrees. See Figures 10,11, first vessel is considered as member (S), two pipes or more pipes (see Figs. 10,11) and dock (10).

Applicant argues that his floating dock engages the hull of the second vessel. The examiner disagrees. Instead applicant claim 4 only requires for the floor structure of the floating dock to be engageable with the hull of the second vessel. The word engageable means capable of engaging and the floating dock of Burbage as modified by Chaney is capable of engaging the hull of the second vessel by running a fluid line from the floor structure of the floating dock to the hull of the second vessel.

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Applicant argues that turret (5) of Perera is part of the hull of vessel (2) and not part of a floating dock. The examiner fails to see what structural limitation precludes vessel (2) from being considered a floating dock. Secondly the examiner is relying on Perera only to teach that it is known to mount a turret rearward of a leading edge. Burbage teaches the floating dock (14). The turret of Perera is positioned approximately 20% length of the dock rearward the leading edge.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh
Primary Examiner
Art Unit 3673



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